



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,196	04/06/2004	Mark Joseph Kapczynski	576396-5	7415

7590 09/30/2004

Brian M. Berliner
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899

EXAMINER

BLACK, LINH

ART UNIT PAPER NUMBER

2177

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,196

Applicant(s)

KAPCZYNSKI ET AL.

Examiner

LINH BLACK

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>20040830</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

Interview Summary	Application No.	Applicant(s)	
	10/820,196	KAPCZYNSKI ET AL.	
	Examiner	Art Unit	
	LINH BLACK	2177	

All participants (applicant, applicant's representative, PTO personnel):

(1) LINH BLACK. (3) _____.

(2) BRIAN M. BERLINER (Reg. No. 34549). (4) _____.

Date of Interview: 31 August 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1-30.

Identification of prior art discussed: N/A.


Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants select Group I: claims 1-17 according to the Restriction Requirement.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, drawn to Application of database or data structure (e.g., distributed, multimedia, image), classified in class 707, subclass 104.1.
 - II. Claims 18-30, drawn to computer-to-computer data routing, classified in class 709, subclass 238.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I-II are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, each of the respective inventions has a separate utility other than with the other invention. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and the search required for group I is not required for the other group, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
6. Examiner contacted the Applicants' Representative: Brian M. Berliner for the Restriction Requirement on August 31, 2004. Group I (claims 1-17) is elected without traverse.

Specification

7. The use of the trademarks on pages 1-2, 6-8 (Linux, Oracle, etc...) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 and 6-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Levy et al. (USPAP 2002/0033844).

9. Levy et al. anticipated the independent claim 1 by the following:

an intelligent media router (IMR) having first, second, and third modules interconnected in a trusted relationship – fig. 8, element 814; paragraphs 0180-0183 (second module that converts data into a second information form acceptable for distribution); pars. 0168-0174 (third module); pars. 0162-0169 (first module).

an encoder converting a first information form from the information manufacturers into data having an essence data portion and a metadata portion; said encoder using said **first module** of said IMR to tag said metadata portion of said data with metadata for routing said data – pars. 0008, 0072-0073, and 0120.

a system server coupled with said encoder via said IMR – pars. 0022; 0030-0031; 0070-0072; 0120-0124.

said system server using said **second module** of said IMR to convert said data into a second information form acceptable for distribution by the information distributors - paragraphs 0180-0183.

wherein said system server using said **third module** of said IMR directs said second information form based on said tagged metadata to the information distributors for distribution of said data – par. 0179.

10. Levy et al. anticipated claim 2 by the following:

an end client coupled with said system server – fig. 8, element 806.

wherein said second information form is viewed on said end client - paragraphs 0173-0174.

11. Levy et al. anticipated claim 3 by the following:

wherein said end client is a remote controllable end client; wherein said end client informs said system server via said IMR of its status and availability – pars. 0123-0124.

wherein said system server via said IMR issues a route and a play-out routine of said second information form – pars. 0116; 0120-0123.

12. Levy et al. anticipated claim 4 by the following:

wherein said play-out routing has a predefined play-out time for said second information form on said end client – pars. 0033-0034, 0079, 0099, 0104, 0107, and 0137.

13. Levy et al. anticipated claims 6 and 13 by the following:

wherein said encoder via said IMR reviews said data to determine the format of said second information form to be created out of said data – paragraphs 0010, 0120, 0164, 0179-0183, 0186.

14. Levy et al. anticipated claims 7 and 14 by the following:

wherein said encoder via said IMR reviews said data to identify a global unique identifier (GUID) of said data – paragraphs 0162, 0211.

15. Levy et al. anticipated claims 8 and 15 by the following:

wherein said data is a digital media object (DMO) – 0021-0022, 0058, 0067, 0072-0073, 0083-0084.

16. Levy et al. anticipated claims 9 and 16 by the following:

a second system server; and an end client, wherein said second information form is routed to said second system server prior to being routed to said end client – pars. 0022, 0070, 0078, 0081, and 0179-0182.

17. Levy et al. anticipated the independent claim 10 by the following:

Art Unit: 2177

an encoder for converting data between the information manufacturers and the information distributors – pars. 0008, 0072-0073, 0092, 0095, 0120, 0142.

a system server coupled with said encoder, said system server providing a plurality of common services for the system – pars. 0022; 0030-0031; 0070-0072; and 0120-0124.

a share server coupled with said system server, said share server having a plurality of communication protocols and a plurality of software development kits (SDKs) – pars. 0057, 0072, and 0114-0120.

an intelligent media router (IMR) coupled with said share server - fig. 8, element 814; paragraphs; said IMR having a plurality of modules interconnected in a trusted relationship 0180-0183; and 0162-0169.

said plurality of modules providing a plurality of routing functions for the system – pars. 0065, 0072, 0119-0120, and 0183.

an integrate interface coupled with said encoder, said integrate interface remotely providing one or more remote inputs from one or more third party imaging Input systems – figs. 1-6: interfaces; pars. 0029, 0032, 0035, 0042, 0072, 0152, and 0156.

an output interface coupled with said encoder, said output interface remotely providing one or more IMR outputs to one or more third party imaging output systems – 0070, 0155, 0160.

wherein said plurality of communication protocols and said SDKS of said share server allows said third party imaging input and output systems to remotely utilize said plurality of modules of said IMR – 0047, 0072, 0075, 0172, and 0179.

18. Levy et al. anticipated claim 11 by the following:

wherein said encoder converts a first information form from the information manufacturers into data having an essence data portion and a metadata portion - pars. 0008, 0072-0073, 0120, and 0180-0183.

19. Levy et al. anticipated claim 12 by the following:

wherein a first module of said IMR tags said metadata portion of said data with metadata for routing said data - pars. 0162-0169; 0190-0192, 0195-0197, 0200-0202.

a second module of said IMR directs the data for distribution by the information distributors based on said tagged metadata - fig. 8, element 814; paragraphs 0070, 0169-0174, 0180-0183.

Art Unit: 2177

a third module of said IMR converts said data into a second information form acceptable for distribution by the information distributors – pars. 0088, 0092, 0164, 0174, and 0179-0182.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Levy et al. (USPAP 2002/0033844), and further in view of Mikurak (US 20040064351).

21. As per claims 5 and 17, Levy et al. teach:

a plurality of end clients coupled with said system server; said plurality of end clients comprising a remote player client for viewing and manipulating said second information form – pars. 0128, and 0156. A portable and light-weight viewer only client for only viewing said second information form – pars. 0048-0049, 0163, and 0181. An HTML client for interfacing said second information form via the Internet – pars. 0038-0039, 0044-0047, and 0174. Set-top box client for interfacing said second information form via a television – pars. 0168 and 0182. However, Levy et al. do not fairly suggest a

Legacy client. Mikurak teaches "Increased visibility during order management in a network-based supply chain environment" – the title. Mikurak teaches a Legacy client – 0374, 1286, 2248, 2270-2271, 2328-2331, and fig. 87. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Mikurak's teaching with Levy et al.'s teaching in order to allow clients using existing Legacy system be able to interact with a network resource, thus, optimizes/increases the item stores usage effectively and efficiently.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 703-305-0317. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh Black

LINH BLACK
Examiner
Art Unit 2177

Alford W. Kindred
Al W. Kindred